

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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Writ Petition No.19828 of 2006

DATED 5-4-2007

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BETWEEN

Swayam Krushi Mahila Samithi,
Nehru Nagar, rep by its President
B.Rajeswari and another.

.. Petitioner

And

The Government of A.P. rep by its Secretary,
Irrigation & CAD (Project Wing) Department,
Secretariat, Hyderabad and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO.19828 of 2006

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ORDER:

In this writ petition, the 1st petitioner is an association registered under the Societies Act represented by the 2nd petitioner herein.

In this writ petition the petitioner questions the order passed by the Mandal Revenue Officer, Ongole dated 28.9.2006 passed in RCA No.837 of 2006 cancelling the agency given to the 1st petitioner to cook the food and supply the same to the school

children of Mandal Parishad Primary School, Nehru Nagar.

A perusal of the impugned order indicates that there were some complaints from the parents of the school children complaining that though agency is given to the 1st petitioner society represented by the 2nd petitioner, one Smt.Dhana Lakshmi has been supplying the food to the students. It is also alleged that the food was being brought from outside and that the food is also not being supplied as per the menu decided and notified by the governmental authorities.

Primarily, the cancellation order is questioned on the ground that the same is not preceded by enquiry and show cause notice. In the counter affidavit filed on behalf of the respondents, it is stated that a show cause notice dated 25.2.2006 was issued to the 2nd petitioner and as she was not available at her residence, the same was affixed on the residential door of the petitioner on the next day and based on the same, the impugned order has been passed. The counter filed by the 4th respondent is also on the similar lines.

Inasmuch as the petitioner society was entrusted with the job of cooking as an agency, it may not have any right to continue as such. But, however, when allegations are made, a show cause notice was issued to her and merely on the ground that she was not available at her residence, the same was affixed on the door of the petitioner's house on the next date i.e. on 26.2.2006 and thereafter the impugned order was passed. In view of the allegations made, by all fairness, one more opportunity should have been given by making a notice being served on the petitioner. Though it is stated in

the counter that a show cause notice was issued to the petitioner, not even a reference is made to the issuance of such a notice in the impugned order canceling the agency. Further, it is stated that in view of the interim orders of this Court, the petitioner is functioning as the cooking agency as of now. In that view of the matter, I deem it appropriate to set aside the impugned order dated 28.9.2006 and remit the matter for fresh consideration by the Mandal Revenue Officer, Ongole. Inasmuch a copy of the show cause notice is served on the learned counsel for the petitioners, the same shall be treated as service on the petitioners. The explanation, if any, to the said show cause notice shall be filed within a period of three weeks from today in the office of the 1st respondent and if such an explanation is filed, the 1st respondent shall consider the same and pass appropriate orders within two weeks thereafter. It is also made clear that if no explanation is filed within the time indicated above, it is open to the respondents to pass orders on merits and indicate the same to the petitioner.

Subject to the above direction, the writ petition is disposed of.
No order as to costs.

R.SUBHASH REDDY,J

Dt: 5.4.2007
msv.